age from their wandering and the freedom to roam permitted them by all, makes especially reasonable the rule that no negligence can be attributed to the mere trespass of a cat which has neither mischievous nor vicious propensities, and consequently no liability attaches for such trespasses, since an owner cannot be compelled to anticipate and guard against the unknown and unusual. If, however, the cat be of a species having, or in fact of, a mischievous or vicious disposition, and its owner knows this propensity, and then permits the cat to go at large or trespass, he will be liable for the damage done by it resulting from the trespass. His liability arises from his negligence in permitting the cat of this known disposition to trespass or be at large and in his violation of his duty to use reasonable care to restrain the cat."

Abandonment of Homestead While in Jail.—The husband and wife in the present controversy, owners of a homestead, were summarily interrupted in their domestic relations by the arrest of the husband on a criminal charge. He was then confined in jail for several months, during which time the wife returned to the home of her father, where the husband also repaired immediately on his release, instead of returning to the homestead. Being in financial straits, he then conveyed the homestead property without his wife joining in the deed. No objection was raised to this transaction till several years later, when it was sought to recover the property on the ground that the conveyance was illegal, in that the wife was not made a party thereto. Defendant thereupon to sustain his purchase, attempted to show abandonment of the homestead and that consequently the wife's joinder was not necessary. The Supreme Court of Mississippi, while determining that the premises had become abandoned by the residence at the home of the wife's father, yet held that the detention in jail did not amount to abandonment, which necessarily implies that the act should be done on the party's own volition. Lindsey *v.* Holly, 63 Southern Reporter 222.

Burglary by Breaking Out of a Building.—Under the old English common law it is said not to have constituted the offense of burglary if one succeeded in getting into a house for purpose of felony, and then breaking out in order to get away. To obviate this, the statute of 12 Anne was passed to cover the crime committed in the manner mentioned. The Kentucky statute, enacted with the apparent purpose of "catching them coming and going," merely provides that "if any person * * * shall feloniously break any dwelling house, * * * and feloniously take away anything of value," etc. Appellant in the case of Lawson *v.* Commonwealth, 169 Southwestern Reporter 587, was convicted of violation of this statute. The evidence was somewhat circumstantial, but went to indicate that ac-

cused, in purloining some of the goods of a neighbor, succeeded in getting into the building without any technical breaking, but not so in getting out. His conviction is affirmed by the Kentucky Court of Appeals.

Libeling a King.—An echo of the King George libel suit is found in the case of United States ex rel. Mylius *v.* Uhl, 210 Federal Reporter, 860, a habeas corpus proceeding on the relation of Mylius against the Commissioner of immigration to obtain relator's discharge from detention under a deportation warrant; relator being the man who was convicted of criminal libel in publishing a statement, in substance, that the present King of England was married in 1890 to the daughter of Admiral Seymour and subsequently abandoned her in order to marry a personage of more royal blood. The question involved in the present proceeding is as to whether the crime is to be considered as within the provision of the immigration law authorizing deportation of persons convicted of crimes or misdemeanors involving moral turpitude. The United States Circuit Court of Appeals holds that it is not, and, while taking notice of what it terms the extreme brutality of the libel, says that "a decision which makes the infamy of the libel dependent upon the rank of the person libeled cannot be defended either in law or ethics. If it would not involve moral turpitude to publish this libel of a field laborer in Devon or a street sweeper in London, it would not involve moral turpitude to publish it regarding the Lord Chancellor or even the King." The order of the district court sustaining the writ and authorizing the discharge of relator is affirmed.

Admissibility of Dishonorable Discharge from Navy.—While laboring under considerable excitement and evidently believing himself to have been greatly wronged by his wife's desertion induced by a one-time friend, defendant in State *v.* Shaw, 135 Pacific Reporter, 20, shot and killed his wife. Mental irresponsibility was his defense. To show his sound physical and mental condition and also his bad character, a dishonorable discharge from the navy was introduced in evidence on the cross-examination of the defendant. The Supreme Court of Washington held that, as defendant had not put his character in issue, the discharge was inadmissible against him, and, even had he voluntarily put his character in issue, it would not be competent proof tending to show his bad character, nor was it admissible to show that defendant was physically and mentally sound, the statements therein being ex parte, not made under oath nor with any opportunity on the part of defendant to cross-examine the person making them.